

EXHIBIT 56

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KEITH FISCHER, MICHAEL O'SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY d/b/a GEICO,

Defendant.

Case No. 2:23-CV-02848 (GRB) (ARL)

DECLARATION OF DAVID MCDERMOTT

I, David McDermott, based on my personal knowledge and pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an employee of Government Employees Insurance Company ("GEICO" or the "Company"). I currently work for GEICO as a Senior Internal Security Investigator in the Special Investigations Unit ("SIU"). In this role, I work almost entirely remotely. I go into the Company's Melville, New York office located on Long Island approximately one day per month.

2. I have worked for the Company as Senior Internal Security Investigator since January 2019.

3. Prior to taking on my current role, I first worked for GEICO in various claims service representative roles after my hiring in August 2016.

4. Prior to the restructuring of SIU in 2023, I was in Region 2 within the former SIU organization structure. Region 2 was made up of all of New York and was one of 10 separate

Regions within the former SIU organization structure. I do not have any knowledge of practices in other Regions outside of Region 2.

5. Until 2023, I reported to SIU supervisor Theresa Bishop. Theresa reported to Bill Newport, SIU manager for Region 2. As part of the recent SIU reorganization, I now report to SIU supervisor Alexandra Constantineau.

JOB RESPONSIBILITIES

6. As Senior Internal Security Investigator, I investigate claims by verifying facts of loss, taking statements from the insured, evaluating potential issues with respect to timelines and factual background, and confirm possible indications of fraud with respect to claims.

7. At the beginning of my time in SIU, I worked primarily as a social media investigator only with respect to bodily injury cases. As I continued working in SIU, my job responsibilities increased, and I now also evaluate criminal background reports, locate potential information to assist in the mitigation of claims, compile and evaluate records, photographs, and social media posts contradicting the claimants' alleged facts and presentation. In my current role, I am no longer limited to just bodily injury cases, but also perform general investigations.

8. Depending on the case, when I receive a new matter, I may review the referral, notate an initial case assessment, then complete a detailed claim filing review including the specifics of the file, evidence within the claim, note whether any follow-up is needed for information gathering, conduct a detailed review of the policy at issue and coverage positions, review the listed drivers, review the state of loss where the alleged injury occurred, and perform background searches, including criminal background searches on all relevant parties. I also may perform background checks for the vehicles involved and social media searches on public accounts for all individuals involved.

9. After my file review, internet search, and background evaluations, if there is not enough evidence to verify or prove that nothing is wrong with the claim, I will either call the claimant to get their statement or seek an SIU field investigator to assist by performing an EUO for my case.

10. Although every case is different and every day is different, I usually work on some aspect of at least 5 to 10 cases each day.

11. I receive cases from referrals and work them from start to finish. If I got all of the information I needed in one day, I could close a case that same day, but some cases linger on for months. For example, a case may take weeks or months if it requires an examination under oath (“EUO”), and there are specific timeframe requirements in New York for GEICO employees to conduct EUOs as part of an investigation. I do not conduct EUOs personally; I send EUO assignments out to SIU field investigators to take them.

12. In my experience, there is an ebb and flow of case volume. During the first few months of COVID in Spring and Summer 2020, for example, I was less busy than I normally am. I suspect that, because the world was at a standstill and many people were not driving, the number of claims I received decreased for a period of time.

WORK HOURS / TIMEKEEPING

13. I work Monday through Friday from 6:30 a.m. to 3:00 p.m. I work 7.75 hours in a day and total 38.75 hours per work week.

14. My work hours have consistently been the same throughout my time in SIU, and I have not worked beyond these weekly work hours, with one exception described below.

15. The only exception when I worked more than my regular 38.75 weekly hours occurred when GEICO had a catastrophe and I was given the opportunity to volunteer to work

overtime hours due to a temporary increase in case volume. The most recent overtime opportunity that I worked overtime was related to Hurricane Ida in 2021. On all such occasions, the overtime opportunity was completely voluntary and I was compensated appropriately for overtime hours I worked.

16. I only worked overtime when working catastrophes and have never otherwise asked to work overtime because I do not have issues getting my work done within my regular weekly work hours.

17. I have never worked any time for which I was not compensated at GEICO. I have been appropriately compensated for all of the time that I have worked.

COMPENSATION

18. I am currently paid at the hourly rate of \$47.15. My hourly rate of pay has increased a few times since I began working in SIU.

19. I am paid on a bi-weekly basis.

20. I have never complained about unpaid wages while working at GEICO.

BREAKS

21. I take a one-hour lunch break each day. I do not perform any work during my lunch break.

22. I also take a 15-minute break each day, usually sometime in the morning.

GEICO COMPLAINT PROCEDURES

23. Although I have never had reason to or in fact complained about any timekeeping or pay issues while working at GEICO, I am aware that GEICO provides employees a few different options to voice any complaints or concerns. These include directly messaging GEICO

Human Resources, a Berkshire Hathaway compliance hotline, or I can always bring any issues to my supervisor or manager.

PARTICIPATION

24. I am providing this statement of my own free will. I have not been threatened, coerced, or in any way intimidated by GEICO or its attorneys concerning any aspect of this declaration.


25. I understand and acknowledge that GEICO will not retaliate or take any negative action against me for making this declaration or for not making this declaration, if I elect not to make it.

26. I have not been promised anything in exchange for making this declaration and understand that I will not be subject to favoritism or receive any benefit from GEICO for providing this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

October 24, 2023

Date

DocuSigned by:

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David McDermott